

# **INFORMATION SHEET**

## **DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

**DISTRICT OFFICE:** Saint Paul District

**FILE NUMBER:** 2004-157489

**REGULATORY PROJECT MANAGER:** Denise Blackwell-Kraft **Date:** July 13, 2004

**PROJECT REVIEW/DETERMINATION COMPLETED:** **In the office (Y/N)** **Y** **Date:** July 13, 2004

**At the project site (Y/N)** **N** **Date:**

### **PROJECT LOCATION INFORMATION:**

State: Wisconsin

County: Polk

Center coordinates of site by latitude & longitude coordinates: Lat: 45.263798; Lon: -92.557004

Approximate size of site/property (including uplands) in acres: 80 acres

Name or waterway of watershed: Isolated wetland

| Type of Aquatic Resource <sup>1</sup> : | 0-1 ac | 1-3 ac | 3-5 ac | 5-10 ac | 10-25 ac | 25-50 ac | > 50 ac | Linear Feet | Unknown |
|---|--------|--------|--------|---------|----------|----------|---------|-------------|---------|
| Lake                                    |        |        |        |         |          |          |         |             |         |
| River                                   |        |        |        |         |          |          |         |             |         |
| Stream                                  |        |        |        |         |          |          |         |             |         |
| Mudflat                                 |        |        |        |         |          |          |         |             |         |
| Sandflat                                |        |        |        |         |          |          |         |             |         |
| Wetlands                                | X      |        |        |         |          |          |         |             |         |
| Slough                                  |        |        |        |         |          |          |         |             |         |
| Prairie Pothole                         |        |        |        |         |          |          |         |             |         |
| Wet Meadow                              |        |        |        |         |          |          |         |             |         |
| Playa Lake                              |        |        |        |         |          |          |         |             |         |
| Vernal Pool                             |        |        |        |         |          |          |         |             |         |
| Natural Pond                            |        |        |        |         |          |          |         |             |         |
| Other Water (identify type)             |        |        |        |         |          |          |         |             |         |

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

| Migratory Bird Rule Factors <sup>1</sup>  | If Known |    | If Unknown<br>Use Best Professional Judgment |                       |                                |
|---|----------|----|--|-----------------------|--------------------------------|
|   | Yes      | No | Predicted to Occur                           | Not Expected to Occur | Not Able to Make Determination |
| Is or would be used as habitat for birds protected by Migratory Bird Treaties?  |          |    | X  |                       |                                |
| Is or would be used as habitat by other migratory birds that cross state lines? |          |    | X  |                       |                                |
| Is or would be used as habitat for endangered species?                          |          |    |  | X                     |                                |
| Is used to irrigate crops sold in interstate commerce?                          |          |    |  | X                     |                                |

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:**                      **Preliminary X   Or   Approved**

**ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

The project area is an 80-acre wooded site located in the SW  $\frac{1}{4}$  NE  $\frac{1}{4}$  of section 14, T. 32 N., R. 18 W., Polk County, Wisconsin. The wetland delineation identified eighteen wetland communities, including ephemeral ponds, lowland forest, shallow open water, sedge meadow and wooded bog wetland types and one large open water pond.

The wetland basins are isolated, depressional areas with no inlet or outlet connections to any surface water tributary system. The USGS topographic map shows the large open water pond area as a depressional area; the remaining wetland basins are not shown. The Polk County Soil Survey shows the large open water pond as an intermittent pond; the remaining wetland basins are shown as a couple of wet spots surrounded by upland soils.